

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v

SAEID KAHIL,

Defendant.

Case No. 06-cr-30145-DRH

ORDER

HERNDON, District Judge

Now before the Court is the Defendant's Motion to continue jury trial (Doc. 9). The Government does not object to the motion. Said Motion states that Defendant's counsel needs additional time for further discovery, to discuss "possible dispositions other than trial" with the Government, and "to complete the investigation of the allegations of the indictment and explore all possible defenses" (Doc. 9). Failure to grant the continuance would severely inhibit counsel from being effective, thereby severely prejudicing Defendant (*Id.*). Defendant therefore requests a continuance of trial of at least sixty (60) days (*Id.*).

In light of the circumstances at hand, it is in the interests of justice to allow his counsel reasonable time for effective preparation – to deny this would result in a miscarriage of justice, as it is not contested counsel has acted with due diligence in preparing for trial since the time he entered his appearance in this matter. Further, Defendant was only recently indicted a few months ago. Although there is

a strong interest in adhering to a speedy trial, such interest does not prevail over the interest of allowing Defendant enough time for he and his counsel to adequately prepare his defense, so that a fair and just trial is conducted, or to negotiate a plea agreement with the Government.

Therefore, the Court being fully advised in the premises finds, pursuant to **18 U.S.C. § 3161(h)(8)(A)**, that the ends of justice served by the granting of such continuance outweighs the best interests of the public and Defendant in a speedy trial. Accordingly, the Court **GRANTS** Defendant's Motion to Continue (Doc. 9), and **CONTINUES** the jury trial scheduled for Monday, December 18, 2006 to **Monday, February 26, 2007 at 9:00 a.m.** The time from the date Defendant's Motion (Doc. 9) was filed, December 5, 2006, until the date to which the trial is rescheduled, February 26, 2007, is excludable time for the purposes of speedy trial. Further, the parties shall notify the Court if a change of plea hearing is necessary.

IT IS SO ORDERED.

Signed this 6th day of December, 2006.

/s/ David RHerndon
United States District Judge